

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON

JUSTIN STONE, an individual

Plaintiff,

vs.

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS and
STAFFORD CREEK CORRECTIONS
CENTER,

Defendants.

No.

COMPLAINT

COMES NOW the Plaintiff, JUSTIN STONE, and alleges as follows:

1.1. Plaintiff, JUSTIN STONE, is an inmate at defendant STAFFORD CREEK
CORRECTIONS CENTER, located in Aberdeen, Greys Harbor County, Washington

1.2. The Defendant, STATE OF WASHINGTON DEPARTMENT OF
CORRECTIONS, is a department of the State of Washington, and acts through its agents and
employees;

1.3. The Defendant, STAFFORD CREEK CORRECTIONS CENTER, is part of the
corrections system of the State of Washington and acts through its employees and agents;

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1 1.4. All actions and omissions alleged herein, occurred in Greys Harbor County,
2 Washington.

3 1.5. This is a civil action of which this court has original jurisdiction under 28
4 U.S.C. § 1331 and § 1343, and is one which may be removed to this court by Defendants
5 pursuant to 28 U.S.C. § 1441(b) in that it is a civil action founded on a claim or right arising
6 under federal law. The district court also has supplemental jurisdiction over any state claim
7 pursuant to 28 U.S.C. § 1367.

8 1.6. Plaintiff filed an Administrative Claim with the State of Washington,
9 Department of Enterprise Management, Office of Risk Management, and more than sixty days
10 have elapsed since the filing of the claim.

11 II. FACTS

12 2.

13 2.1. On or about July 15, 2018, Plaintiff JUSTIN STONE was an inmate at
14 STAFFORD CREEK CORRECTIONS CENTER, housed in H4-A Pod

15 2.2. At some point prior to July 15, 2018, Plaintiff JUSTIN STONE was prescribed
16 prazosin by the DOC medical staff for PTSD

17 2.3. Dizziness and sudden fainting are known side effects of prazosin.

18 2.4. On or about July 15, 2018 at approximately 10:20 PM the staff at STAFFORD
19 CREEDK CORRECTIONS CENTER conducted a fire drill for H4-A Pod.

20 2.5. During said fire drill, the inmates were lined up, stretching from the front door
21 of H4 to the nearly the front door of H3.
22

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1 2.6. During this drill, Plaintiff JUSTIN STONE's knees buckled and he collapsed.

2 2.7. Plaintiff JUSTIN STONE ~~stuck his head/face~~ on the breezeway concrete
3 *Fell back on his backside*

4 2.8. One of the officers ordered Plaintiff JUSTIN STONE to "get up."

5 2.9. Plaintiff JUSTIN STONE was able to stand for a matter of seconds and toppled
6 over again. *Going face first into the concrete*

7 2.10. Blood was coming from Plaintiff JUSTIN STONE's mouth.

8 2.11. Plaintiff STONE had multiple teeth broken, and abrasions on his chin, chest
9 and both knees and a closed head concussion.

10 2.12. At this time, one of the officers, came to Plaintiff JUSTIN STONE's aid and
11 told him to stay on the ground.

12 2.13. Medical aid arrived and Plaintiff JUSTIN STONE was taken for medical
13 treatment.

14 2.14. On or about February 19, 2019 it was determined that Plaintiff JUSTIN STONE
15 had been overmedicated on his prazosin and that was likely the result of his fall on July 15,
16 2018.

17 2.15. On November 1, 2018, Plaintiff JUSTIN STONE's request for an upper denture
18 was denied.

19 2.16. On or about December 18, 2018, Plaintiff JUSTIN STONE filed a grievance
20 regarding the CRC's decision.

21 2.17. That grievance was denied on December 21, 2018 by D. Brewer, CSII.
22

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1 2.18. On or about December 31, 2018, Plaintiff JUSTIN STONE filed an appeal of
2 the level one response, by filing a level 2 grievance.

3 2.19. The level 2 grievance was denied on January 4, 2019 by Superintendent Ronald
4 Hayes.

5 2.20. On or about January 15, 2019, Plaintiff JUSTIN STONE filed an appeal of the
6 level 2 response by filing a Level 3 grievance.

7 2.21. In reviewing the Level 3 grievance, Dr. J. McDaniel , Chief of Dentistry
8 reviewed Plaintiff STONE's records and found that Plaintiff STONE's case was an exception
9 to the rule that DOC does not cover the expense of replacement of teeth solely for esthetic
10 purposes, and recommended that DOC Dental evaluate Plaintiff STONE for an upper partial
11 denture.

12 2.22. The level III grievance was supported on February 19, 2019 by Assistant
13 Secretary Deputy Director Mary J. Currey.

14 2.23. On February 19, 2019, Assistant Secretary Deputy Director Mary J. Currey
15 confirmed that the dosage of prazosin Plaintiff JUSTIN STONE had been prescribed and
16 administered by the DOC medical staff may have contributed to his fainting spells which
17 caused irreversible nerve damage to some of his front teeth.

18
19 III. FIRST CAUSE OF ACTION
20 FAILURE TO PROVIDE REASONABLE MEDICAL CARE FOR INMATE

21 3.1 Plaintiff incorporates by reference paragraphs 1.1 through 2.23 as if fully set
22 forth herein.

 3.2. Defendants had a duty to provide reasonable medical care for inmates in their care.

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1 3.3 Defendants breach that duty by prescribing a dosage of medication that contributed to
2 Plaintiff JUSTIN STONE's fainting.

3 3.4 As a direct and proximate result of Defendants' breach of their duty of care to provide
4 for Plaintiff's serious medical condition, Plaintiff suffered pain and suffering and repeated
5 surgeries.

6 IV. SECOND CAUSE OF ACTION
7 NEGLIGENCE

8 4.1 Plaintiff incorporates by reference paragraphs 1.1 through 2.23 as if fully set forth
9 herein.

10 4.2 Plaintiff alleges that the injuries sustained by Plaintiff would ordinarily not occur
11 absent negligence on the part of the Defendants

12 V. THIRD CAUSE OF ACTION: VIOLATION OF 8TH AMENDMENT RIGHT TO BE
13 FREE FROM CRUEL AND UNUSUAL PUNISHMENT

14 5.1 Plaintiff incorporates by reference paragraphs 1.1 through 2.28 as if fully set forth
15 herein.

16 5.2 Plaintiff alleges that Defendants violated his Eighth Amendment rights to be free of
17 cruel and unusual punishment.

18 5.3 The actions and omissions alleged herein were engaged in pursuant to the policies and
19 practices of STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS, STAFFORD
20 CREEK CORRECTIONS CENTER, acting by and through its agents and employees and
21 under color of laws and ordinances of the State of Washington.
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VI. FOURTH CAUSE OF ACTION:
BREACH OF DUTY OF CARE

6.1 Plaintiff incorporates by reference paragraphs 1.1 through 2.28 as if fully set forth herein.

6.2 Plaintiff alleges that upon his incarceration by the Defendants, Plaintiff was unable to provide care for himself and the Defendants became obligated under a non-delegable duty to provide care and attention to Plaintiff, the violation of this duty, by Defendants, resulting in serious and permanent injuries to the person of the Plaintiff.

6.3 Plaintiff alleges that but for that breach of duty, he would not have suffered serious and permanent injuries.

VII. FIFTH CAUSE OF ACTION:
OUTRAGE

7.1 Plaintiff incorporates by reference paragraphs 1.1 through 2.28 as if fully set forth herein.

7.2 Plaintiff alleges that the conduct of Defendants has been outrageous in character and so extreme in degree as to be beyond all bounds of decency and should be regarded as utterly intolerable and outrageous in nature.

VIII. SIXTH CAUSE OF ACTION:
NEGLIGENCE IN TRAINING

8.1 Plaintiff incorporates by reference paragraphs 1.1 through 2.28 as if fully set forth

1 herein.

2 8.2 Plaintiff alleges that the Defendant, STATE OF WASHINGTON DEPARTMENT OF
3 CORRECTIONS and STAFFORD CREEK CORRECTIONS CENTER failed to adequately
4 and properly train and supervise its employees in the recognition and providing of medical
5 attention to incarcerated inmates and as a direct and proximate result thereof, Plaintiff suffered
6 serious injuries to his person, some of which will be permanent in nature.

7 WHEREFORE Plaintiff prays for judgment against Defendants as follows:

8 1. For general damages which the Plaintiff has sustained to his person in such amount as
9 will be just and reasonable to compensate him for his injuries and accompanying pain,
10 suffering, anxiety and for all damages suffered to date and those which can reasonably be
11 expected to occur into the future;

12 2. For medical costs and expenses incurred to date and those which will be reasonably
13 incurred in the future;

14 3. For prejudgment interest;

15 4. For damages resulting from the violations of Plaintiff's constitutional rights and
16 liberties;

17 5. For all other damages which are in amounts now unknown but which will be proven at
18 the time of trial; and
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6. For such other and further relief as may seem just and equitable to the court.

Respectfully submitted this 29th day of Sept, 2020.


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VERIFICATION

I am the plaintiff in the above action. I have read the above Complaint and declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge, belief and the records that I maintained.

Sign and dated this 31 day of August, 2020 at Aberdeen, Washington.


JUSTIN STONE